

Chukwudozie, Ndudi

From: srubenstein@greatriverslaw.org
Sent: Tuesday, November 12, 2019 11:32 AM
To: R5FOIA; Chukwudozie, Ndudi
Subject: RE: EPA-R5-2020-000579 not reasonably described

Hello,

I am writing to provide additional clarification of my FOIA request, in response to the below correspondence.

Time Frame Clarification

- The time frame we seek for request #18 should be for the last five years.
- The time frame we seek for request #19-20 should be from June 26, 2013, the date the Consent Decree at issue in those requests was filed, to the present.
- The time frame we seek for request #21-22 should be from November 10, 2014, the date the Consent Decree at issue in those requests was filed, to the present.
- The time frame we seek for request #23-24 should be from March 30, 2017, the date the Compliance Commitment Agreement at issue in those requests was filed, to the present.
- The time frame we seek for request #25-26 should be from April 9, 2018, the date the Compliance Commitment Agreement at issue in those requests was filed, to the present.
- The time frame we seek for request #27-28 should be from April 24, 2017, the date the Compliance Commitment Agreement at issue in those requests was filed, to the present.
- The time frame we seek for request #29-30 should be from April 4, 2016, the date the Compliance Commitment Agreement at issue in those requests was filed, to the present.

Additional Specificity/Narrowing

To clarify and narrow our requests #19-30, please be advised that we seek the following categories of records regarding each of the Consent Decrees and Compliance Commitment Agreements described in the requests:

- Records of any threats or assessments of stipulated penalties assessed against Gateway or US Steel by the U.S. EPA, the Illinois EPA, the U.S. Department of Justice or the Illinois Attorney General's Office under the provisions of the Decrees or Agreements set out in those requests;
- Any notices of violation issued against Gateway or US Steel in connection with the Decrees or Agreements set out in those requests; and
- Any correspondence sent by U.S. EPA, the Illinois EPA, the U.S. Department of Justice or the Illinois Attorney General's Office to US Steel or Gateway, or received from US Steel or Gateway, in connection with the Decrees or Agreements set out in those requests.

Thank you for your assistance. Please let me know if you need additional clarification of my FOIA request.
Thank you.

Sarah Rubenstein

Staff Attorney
Great Rivers Environmental Law Center
319 N. 4th Street, Suite 800
St. Louis, MO 63102
(314) 231-4181 (office phone)
(314) 231-4184 (fax)
(314) 779-7707 (cell)

srubenstein@greatriverslaw.org

From: r5foia@epa.gov <r5foia@epa.gov>

Sent: Thursday, November 07, 2019 11:15 AM

To: srubenstein@greatriverslaw.org

Subject: EPA-R5-2020-000579 not reasonably described

Hello,

The Environmental Protection Agency (EPA) has reviewed the above-referenced FOIA request. After careful review of your request, we determined that your request did not describe the records which you are seeking in a way that will permit EPA employees to identify and locate them. Please clarify

1. The date range covered by items 18-30 and
2. The specifics on (and potentially, narrowing of) the types of records sought by items 19- 30.

EPA's FOIA regulations state: "Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, the requester should include any file designations or descriptions for the records that the requester wants. The more specific the requester is about the records or type of records that the requester wants, the more likely EPA will be able to identify and locate records responsive to the request." 40 C.F.R 2.102 (c)

The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify reasonably described records. EPA would like to give you the opportunity to discuss and modify your request so that we may process it.

Please respond to this email providing the additional information below to Chukwudozie.Ndudi@epa.gov.

If you would like schedule a conference phone call to discuss your request, please let us know your availability.

Please reply within 20 calendar days from the date of this email and because this is a voluminous request, will require extensive time due to some active enforcement. If we do not hear back from you, EPA may issue a final determination to close out your request. Please note that you are not prohibited from submitting additional Freedom of Information Act requests in the future. For more information, please visit our website at: <https://www.epa.gov/foia>.

If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8610 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. We look forward to your prompt reply.

Sincerely,

Ndudi Chukwudozie